



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

25 भाद्र 1938 (श०)

(सं० पटना ७५०) पटना, शुक्रवार, १६ सितम्बर २०१६

सं० ३ / उ०नि०योजना(उ०म०शि०अनु०स०)-१९/२०१३—३२३४
उद्योग विभाग

संकल्प

७ सितम्बर २०१६

विषय :—उपेन्द्र महारथी शिल्प अनुसंधान संस्थान, पटना को सोसाइटी रजिस्ट्रेशन एक्ट १८६० के अन्तर्गत निबंधन।
बिहार में हस्तशिल्प के विकास, अध्ययन, शोध, संरक्षण, प्रचार-प्रसार एवं अध्ययन हेतु वर्ष १९५६ में राज्य सरकार द्वारा उपेन्द्र महारथी शिल्प अनुसंधान संस्थान, पटना का गठन किया गया था परन्तु बदलते परिवेश में हस्तशिल्प के क्षेत्र में बढ़ती हुई प्रतिस्पर्द्धा, उत्पादों की गुणवत्ता, उत्पादनुतनता, नई तकनीक की जानकारी, क्राफ्ट एक्सचेंज प्रोग्राम, प्रशिक्षण, डिजाइन, विपणन की व्यवस्था, कच्चे माल की आपूर्ति, संवर्द्धन तथा हस्तशिल्पियों के आर्थिक विकास को ध्यान में रखते हुए राज्य के हस्तशिल्पियों के चौमुखी विकास के लिए संस्थान को सोसाइटी रजिस्ट्रेशन एक्ट १८६० के अन्तर्गत निबंधित कराने की आवश्यकता महसूस की गयी। इसी क्रम में समीक्षोपरान्त वर्तमान परिषेक में उपेन्द्र महारथी शिल्प अनुसंधान संस्थान, पटना को सोसाइटी एक्ट १८६० के अन्तर्गत निबंधित करने का निर्णय लिया गया। जिस संदर्भ में The Memorandum of Association and Rules and Regulations (संलग्न ऐनक्सर-१) पर राज्य मंत्रिपरिषद् की स्वीकृति प्राप्त है।

2. The Memorandum of Association and Rules and Regulations (संलग्न ऐनक्सर-१) के प्रावधानों के अनुरूप सोसाइटी रजिस्ट्रेशन एक्ट १८६० के अन्तर्गत उपेन्द्र महारथी शिल्प अनुसंधान संस्थान, पटना को निबंधित कराने की स्वीकृति प्रदान की गयी है।

3. उपेन्द्र महारथी शिल्प अनुसंधान संस्थान में वर्तमान में पदस्थापित कर्मचारी राज्य सरकार के कर्मचारी के रूप में कार्यरत माने जाएँगे और उन्हीं सेवा शर्तों से शासित होंगे जैसा कि उपेन्द्र महारथी शिल्प अनुसंधान संस्थान के सोसाइटी रजिस्ट्रेशन एक्ट १८६० में निबंधन के पूर्व थे। इसके बाद नियमित रूप से या अनुबंध के आधार पर उपेन्द्र महारथी शिल्प अनुसंधान संस्थान के द्वारा नियुक्त कर्मियों की सेवा शर्तों का निर्धारण उपेन्द्र महारथी शिल्प अनुसंधान संस्थान के नियमों की धारा ६.९ (७) के आलोक में आम सभा द्वारा किया जाएगा।

आदेश :— आदेश दिया जाता है कि इस संकल्प को बिहार राजपत्र के असाधारण अंक में प्रकाशित किया जाय एवं इसकी प्रति सरकार के सभी विभागों एवं महालेखाकार, बिहार, पटना को सूचनार्थ भेजी जाय।

बिहार-राज्यपाल के आदेश से,
एस० सिद्धार्थ,
सरकार के प्रधान सचिव।

**THE MEMORANDUM OF ASSOCIATION
OF
UPENDRA MAHARATHI SHILP ANUSANDHAN SANSTHAN
PATNA, BIHAR**

1. Name of the Society :-

The name of the society shall be the “Upendra Maharathi Shilp Anusandhan Sansthan, Patna” herein after referred to as the “society” an autonomous body constituted by the Government of Bihar.

2. Registered Office :-

The registered office of the Society shall be situated at “Upendra Maharathi Shilp Anusandhan Sansthan, Patna”, Patliputra, P.O. Patliputra, P.S. Patliputra, Patna.

3. Area of Operation:-

The area of operation of the society will extend throughout the State of Bihar.

4. Vision :-

To be the nodal agency in the state of Bihar for the preservation and promotion of handicrafts. To establish the Crafts of Bihar on the World Platform. Society will work in preserving, encouraging and enhancing the rights of Artisans/Craftsperson.

5. Aims and objectives of the society

Support Craft Production

1. To facilitate in formation and organization of S.H.Gs/ Co-operative societies/ associations of craft persons.
2. To promote establishment of common facilities centers and up-gradation of technology.
3. To acquire movable and immovable properties by purchase, lease, gift or rent and hold such properties in the name of the society for production and marketing initiatives.
4. The possession/ownership of assets created by the funds received by the government shall reside under State Government.
5. Society will develop definition, quality and standards of different crafts in accordance to market indicators and conduct orientation programmes for different participants/groups.

Strengthen Craft Marketing Initiatives

6. Set-up craft parks for the promotion of handicrafts.
7. Organize buyers-sellers meet, craft exhibitions and bazaars.
8. Strengthen web based marketing and e-commerce avenues.

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9. Society will partner and associate with different organizations/companies to develop web-based online marketing system/platform of crafts produced in the state, along with the traditional markets.
 10. Conduct conferences, symposia, seminars, workshops, awareness camps etc.
 11. Arrange publicity through electronic and print media.
 12. Facilitate in obtaining patent /registering for G.I. for particular traditional handicrafts. To assist in branding of particular traditional handicrafts and marketing of such craft products under that brand.
 13. Society will post the contact numbers of Artisans/Craftsperson on the Web-site of different Crafts and details of raw materials, time and cost of production of the relevant Crafts.
 14. Society will develop it's Quality Certification Mark/Logo which will be used by the Artisans/Craftspersons for marketing their products and Crafts.
 15. Society will publish it's Annual Publication/Magazine. All the activities, events and exhibitions of the Society will be advertised in the magazine.

Establish craft resource bank/ preservation and revival

16. Develop craft data banks.
17. To manage the state crafts museum/ galleries.
18. Update both physical and digital craft archives.
19. To help in preservation and revival of languishing crafts.
20. The Society should select and preserve the extinct crafts on the state, historical and chronological development of craft list and details.
21. To develop the society as resource centre for every type of crafts and Artisans/Craftsperson.
22. Society will develop a database of Artisans/Craftspersons of the state and issue a Unique Registration Identity Number for each Artisan/Craftsperson, which shall be periodically updated.
23. Society will develop a database of different crafts of the state. The Identity Number of each crafts will be recorded and secured under Scientific Procedures.

Outreach, Collaboration and Network

24. Establish synergy among various development partners in the field of handicrafts.
25. To help craft persons/ associations in formulation of project reports.
26. To enter into collaborative arrangements with other organizations for transfer of improved technology, procurement of raw-materials, marketing and sale of handcrafted products.
27. Society will develop strategies to encourage personal, collective and institutional activities so that Artisans/Craftsperson do not face problems relating raw materials, funds and market.

Right of Artisan

28. Recognition of craft persons in the field of handicrafts by giving awards.
29. Registration of craft-persons/associations of craft persons.
30. To arrange welfare of crafts persons.

Consultancy and revenue generation

31. To raise funds by way of grants, loans, contribution including foreign aid, through and from Govt. of India, Govt. of Bihar, statutory corporations, bodies, financing institutions & other sources and to invest and expend funds so raised as per the decisions of the executive committee.
32. To promote savings and welfare of the society.
33. To impose fees/charges for the services rendered by the society.
34. To perform such other acts including execution of projects and programmes as may be required in the interest of development of handicrafts in the state.
35. Society will assist Government in Policy Making and form necessary Regulations.

Training and Assessment

36. To manage and supervise training centers.
37. To help setting-up of training centers at field level.
38. To conduct examination for assessment of skill.
39. To certify quality of handcrafted products.
40. Society will conduct workshops, tours, events and exhibitions for the Artisans/Craftspersons which will help to enhance their skills in development of new Crafts.
41. Society will organize permanent exhibitions for the Artisans/Craftsperson and organize awareness and skill development programmes for students in schools.

Design and product Development

42. To manage and supervise the state level design centre in order to promote design development, product innovation and product diversification.
43. To conduct design development programs, arrange competitions among craft persons for development of new design.
44. Society will study the latest trends, designs and standards of quality of existing competitive markets and train, inform, update the skills of Artisans/Craftsperson to improve the quality standards of the produced Crafts.

6. Members of Executive Committee

The Executive Committee shall have a maximum of Ten permanent members. Not less than three members of the Executive Committee shall be from amongst the founder members. The Executive committee of the society, to whom the management is entrusted, shall consist of the following members –

SI No.	Occupation	Designation
01.	Secretary to Govt of Bihar, Department of Industries	President
02	Secretary to Govt of Bihar, Department of Youth, Art & Culture	Member
03	Chief Executive Officer, Bihar Rural Livelihoods Promotion Society	Member

04	Director of Industries, Govt of Bihar	Member
05	Director, UMSAS	Member Secretary
06	Assistant Director, Office of the Development Commissioner (Handicrafts) , Patna	Member
07	Two representatives nominated by state govt. from amongst eminent persons in the field of handicrafts.	Member
08	Director, Social Welfare, Govt. of Bihar	Member
09	Director, Labour and Employment, Govt. of Bihar	Member
10	Director, Health Department, Govt. of Bihar	Member

7. Founding members and formation of the Society

The undersigned members, associating themselves for the purpose described in this memorandum of association and desirous of forming themselves into a society are the founder members of the Society. The founder members by designation and their successors shall be treated as founder members in their place.

Sl. No.	Name & Occupation	Designation	Signature
01	Secretary to Govt of Bihar, Department of Industries	Chairperson	
02	Secretary to Govt of Bihar, Department of Finance	Member	
03	Secretary to Govt of Bihar, Department of Youth, Art & Culture	Member	
04	Chief Executive Officer, Bihar Rural Livelihoods Promotion Society	Member	
05	Director of Industries, Govt of Bihar	Member	
06	Director, Upendra Maharathi Shilp Anusandhan Sansthan (UMSAS)	Member Secretary	
07	Director, Micro Small & Medium Enterprises Development Institute, Patna	Member	
08	Assistant Director, Office of the Development Commissioner (Handicrafts) , Patna	Member	
09	Registrar of Co-operative Societies	Member	

Rules & Regulations of Upendra Maharathi Shilp Anusandhan Sansthan (UMSAS)

1. Title

These byelaws shall be called “Upendra Maharathi Shilp Anusandhan Sansthan” (UMSAS) Byelaws.

2. Status of the society (UMSAS)

The society shall be a juristic person, shall have perpetual succession and can sue or be sued in its own name though it's Member Secretary.

3. General Scope and Application

- 3.1** These byelaws shall extend to all the units and activities of Upendra Maharathi Shilp Anusandhan Sansthan society.
- 3.2** These byelaws shall come into force from the date on which the society is registered under the Societies Registration Act of 1860.
- 3.3** The society will be under overall administrative control of the state government.
- 3.4** The state government will have absolute & overriding power in respect of appointment, change and removal of members as also in formation of committees and sub-committees under the byelaws mentioned hereinafter.
- 3.5** The activities and accounts of the society shall always be open for verification by the state government.
- 3.6** The State Government shall have the power to issue such directions/instructions as may be deemed necessary for proper functioning of the society.

4. Definitions

- 4.1** “Act means the Societies Registration Act, 1860.
- 4.2** “Society” means Upendra Maharathi Shilp Anusandhan Sansthan (UMSAS) registered under the Societies Registration Act, 1860.
- 4.3** “General Body” means the General Body of the society as constituted under these byelaws.
- 4.4** “President” means the President of the Executive Committee of the Society
- 4.5** “Chairperson” means the Chairperson of the Founding member & Formation of the society.

- 4.6** "Member Secretary" means the Member Secretary of the Executive Committee who shall be the Director of UMSAS. He will also perform the duties and function of the treasurer.
- 4.7** "Executive Committee" means the Executive Committee of the Society constituted under these bylaws.
- 4.8** Inspector General of registration means the Inspector General Registration, Govt. of Bihar appointed under subsection(1) of section 3 of The Indian Registration Act 1908 with whose jurisdiction the society is registered as society. The term also means and includes any officer of the State Government authorized to exercise the powers of the IG Registration.
- 4.9** "State Government" or "GOB" means Government of Bihar.
- 4.10** The "Annual General meeting" and "Special General Meeting" means such General Meeting of the society as are convened and held only under the rules of the society.
- 4.11** The "Meeting" means all meetings other than the Annual and Special General Meetings of the society.
- 4.12** "Resolution" means a resolution of the society duly passed and adopted.
- 4.13** The "seal" means seal of the society.

5. Membership

5.1 Membership of the society

The membership of the society consists of the following full members including the founder members who have signed the Memorandum of Association -

SI No.	Designation in the State Government	Address	Designation in UMSAS
01	Minister-in-Charge, Department of Industries, Govt of Bihar	Vikas Bhawan, Bailey Road, Patna-800015	President
02	Secretary to Govt of Bihar, Department of industries	Vikas Bhawan, Bailey Road, Patna-800015	Vice-President
03	Secretary to Govt of Bihar, Department of Finance	Old secretariat, Patna-800015	Member
04	Secretary to Govt of Bihar, Department of Youth, Art & Culture	Vikas Bhawan, Bailey Road, Patna-800015	Member
05	Chief Executive Officer, Bihar Rural Livelihoods Promotion Society	Vidyal Bhawan, Annexe-II, 1 st & 2 nd Floor (Southern Wing), Bailey Road, Patna-800001	Member
06	Director of Industries, Govt of Bihar	Vikas Bhawan, Bailey Road, Patna-800015	Member

07	Director, Upendra Maharathi Shilp Anusandhan Sansthan (UMSAS)	Patliputra, Patna-13	Member Secretary
08	Director, Micro Small & Medium Enterprises Development Institute, Patna	Patliputra, Patna-13	Member
09	Assistant Director, Office of the Development Commissioner (Handicrafts), Patna	Ambedkar Path, Bailey Road, E.S.I Colony, Patna	Member
10	Registrar of Co-operative Societies	Vikas Bhawan, Bailey Road, Patna-800015	Member
11	Representative from Women's Industries Association like Mahila Udyog Sangh, Bihar Industries Association etc.		Member
12	Representative from National level NGO/ civil society organization working for preservation and promotion of handicrafts as approved by State Govt.		Member
13	Principal, Art and Craft Collage, Patna,	Vidyapati Marg, South Mandiri, Patna	Member
14	05 (Five) Eminent persons to be nominated by the President		Member

5.2 Membership and Term

A person will be appointed or nominated as a member of the Upendra Maharathi Shilp Anusandhan Sansthan (UMSAS) by virtue of office held by him and his membership of the society shall terminate when he ceases to hold the office and vacancy so caused shall be filled by his successor to that office.

The Government for maximum duration of 3 years will appoint the first non-official member. The society will appoint members in place of the retiring members.

The society shall function, notwithstanding that any person entitled to be member by reason of his office, is not represented on the society for the time being. The proceeding of the society shall not be invalidated by the existence of any vacancy or any defects in the appointment of any of these members.

5.3 Termination of Membership

Membership of the State society shall ipso facto terminate if a member -

- (a) Dies, or permanently leaves India, or,
- (b) Tenders his resignation in writing to the society; or
- (c) Is declared insane by a competent authority; or
- (d) Operation of the provisions of section 5.2 above
- (e) Found guilty by any court
- (f) If member will not pay three months monthly subscription fee

5.4 Register of Members

The society shall, at all time, maintain and keep available for inspection by the I.G. registration a register of members at its registered office, which shall be permanent record of the society and shall contain the names and addresses of the members, the date on which the member was admitted and the date on which member ceases to be member. Every member shall sign the Register. No member shall be entitled to exercise rights and privileges of a member unless he has signed the register as aforesaid.

5.5 Change of Address of the Member

If a member of the society changes his address, he shall notify his new address to the member secretary, who shall thereupon enter his new address

in the roll of members. But if a member fails to notify his new address the address in the register of members shall be deemed to be his address.

6. General Body

6.1 Constitution of the General Body

The General Body of the society shall consist of all members of the society, as in section 5.1; The Government of Bihar shall nominate the first member in Sl.No. 11 &12 mentioned in section 5.1

6.2 Meeting of the General Body

The society shall hold a General Body meeting of all its members in every six month's at least once a year,

6.3 Special Meeting of the General Body

In addition to the Annual General Body meeting, a special General Body meeting may be called at any time with approval of the President or on request of one third of the total members of the General Body. The special General Body meeting shall be convened within fifteen days from the date of requisition and will be called Extra Ordinary General Meeting.

6.4 Notice of Meetings of the General Body

For every meeting of the General Body a notice of not less than ten clear days specifying the place, date, time and agenda for the meeting shall be delivered personally or sent by post to the members of the society. An adjourned meeting can be called on the notice of at least five days. The notice must indicate the place, date and hour thereof as well as the item of the agenda.

6.5 Quorum for the Meeting of the General Body

The quorum for all General Body meeting of the society shall be two third of the total strength of the members for the proceedings to be validly conducted. In case quorum is not met, the meeting will stand adjourned and the Member Secretary must convene an adjourned meeting. If in the adjourned meeting also, the quorum is not present the members present shall constitute the quorum. The members present at such adjourned meeting may transact the business for which the meeting was called.

6.6 Business of the General Body

Every meeting the General Body shall be presided over by the President or in his absence by the Vice-president. Each member including the member presiding at the meeting of the General Body shall have one vote but the presiding member shall also have a casting vote in addition to his vote as member, in case of equality of votes. All the matters shall be decided by a majority of votes.

6.7 Minutes of the General Body Meeting

A copy of the minutes of the proceedings of each meeting shall be furnished to the General Body members as soon as possible after the completion of the meeting. The chairperson or the member of the General Body who chairs the meeting, as the case may be shall approve the proceedings of the meeting. Proceedings of every meeting shall be kept by the Member Secretary and shall be read out at its next meeting and confirmed by the members present.

6.8 Resolution of the General Body

Every resolution of the General Body shall be passed by a majority of members present and voting for the resolution to be valid. In case of expediency, the Member Secretary of the society may circulate a resolution for approval and such resolution shall be deemed to have been passed if a majority of the members approve it, provided that such resolution so passed by circulation shall be recorded in the proceedings of the next meetings of the General Body only with the prior permission of the Chairman.

6.9 Functions of the General Body

- (1) The General Body shall provide overall policy guidance and direction for the efficient functioning of the society in fulfilling its vision and objectives as laid down in the Memorandum of Association.
- (2) It shall meet at every six months but at least once a year.
- (3) It shall consider the balance sheet and annual audited accounts of the society presented by the member secretary along with the remarks thereon by the Executive Committee.
- (4) It shall consider annual report presented by the Member Secretary along with the comments thereon by the Executive Committee.
- (5) It shall approve the annual action plan and budget for the ensuing year.
- (6) It shall ensure that the society adheres to the Memorandum of Understanding entered with the government of Bihar from time to time and fulfills all the agreements covenants and contracts enumerated in the financing Agreements including the Upendra Maharathi Shilp Anusandhan Sansthan. (UMSAS)
- (7) Set HR policy including appointment, staff positions and salary and incentive structure of the society

6.10 Powers of the General Body

The General Body shall have powers to

- (1) Undertake all activities necessary for the fulfillment of the vision and objectives as laid down in the Memorandum and Articles of Association.
- (2) Expand the strength of its membership provided the expanded strength is filled in the manner prescribed for enlisting the original membership.
- (3) Add modify or amend the Memorandum and Articles of association and these bye-laws provided that all such additions, modifications of amendments shall be aimed at promoting the objectives of the society.
- (4) Remove a member on the grounds listed in the bye-laws under clause 5.3.
- (5) Approve the Annual report, Balance sheet and the annual audited accounts of the society.
- (6) Approve the appointment of the auditors of the society.
- (7) Delegate to the Executive Committee, or the Member secretary any of the above powers.

6.11 President

Function & Power of the president

- (a) The ministers-in-charge, Deptt. Of industries, Govt. of Bihar shall be ex-officio President of the society.

- (b) In case the votes for and against a particular issue are equal, the president shall exercise his casting vote.
- (c) The president shall be entitled to invite any other person to attend the meetings of the society but such person (s) shall have no power of voting.
- (d) The president shall preside over the meeting of the general Body. In his absence, the vice-president shall preside over the meeting.
- (e) The president shall nominate members to the general body.
- (f) The president may, in writing, delegate such of the powers, as he may consider necessary, to the vice-president.
- (g) The president shall exercise the power of the general body between the two meetings.

7.1 General Meeting of the Executive committee

The Executive Committee shall meet as and when necessary with the permission of President for the management of the affairs of the society, provided that the Executive Committee shall meet at least once in three months.

7.2 Special Meeting of the Executive committee

In addition to the General Meeting, a special meeting may be called at any time with the permission of the President .The special meeting may be convened within five days from the date of requisition, provided further than the President may, whenever deemed direct the Member secretary to call a Special meeting.

7.3 Notice of Meeting of the Executive Committee

For every meeting of the Executive Committee, a notice of not less than seven working days specifying the place, date, time and agenda for the meeting shall be given to all members. If an Executive Committee meeting is adjourned due to want of quorum, an adjourned meeting can be called on a date fixed by the President. But in case of emergency the President may reduce the above period of notice to such number of days as he deems fit in the circumstances of the case.

7.4 Quorum for the Meeting of the Executive Committee

The quorum at all meeting of the Executive committee shall be not less than two third of the total strength of the members of the executive committee as per section 7.1 for proceeding to be validly conducted. In case the quorum is not met and the meeting is adjourned, the Member secretary must reconvene the adjourned meeting.

7.5 Business of the Executive committee

Every meeting of the Executive Committee shall be chaired by the President or in his /her absence by one of the other members, elected by the members present from among themselves. Each member including the member presiding at the meeting of the Executive Committee shall have one vote but the presiding member shall also have a casting vote in addition to his vote as member in case of equality of votes. All the matters shall be decided by a majority of votes.

7.6 Minutes of the meeting of the Executive committee

A copy of the minutes of the proceedings of each meeting shall be furnished to the Executive committee members as well as to all the members of the General Body as soon as possible after the completion of the meeting. The president or the member of the Executive committee who chairs the meeting, as the case may be shall approve the proceedings of the meeting. Proceedings of every meeting shall be properly kept by the Member Secretary and shall be confirmed at its next meeting.

7.7 Resolution of the Executive committee

Every resolution of the Executive committee shall be passed by a majority of members present and voting for the resolution to be valid. In case of expediency, the Member Secretary of the state society may circulate a resolution for approval and such resolution shall be deemed to have been passed if a majority of the members approve it, provided that such resolution shall be valid if and only if the President is also one among the members approving the resolution. The resolution so passed by circulation shall be recorded in the proceedings of the next meeting of the Executive Committee.

7.8 Term of the Executive Committee

The term of the executive committee shall be term of the society, however, the executive committee shall continue in office till the next Executive Committee comes into existence for the next term by way of reconstitution by the General Body.

7.9 Co-opted members of the Executive committee

The Executive Committee shall have the right to co-opt eminent persons/ officials in the field of activities related to the objectives of the state society. The Executive Committee may co-opt a maximum of three members. The co-opted members shall have a right to participate in the meetings of the Executive Committee but shall not have voting right and they shall not constitute the quorum. The President can also invite experienced officials and eminent persons for specific issues to the meetings of the Executive Committee.

8. Functions and power of Executive Committee

Subject to the provisions of the Memorandum of Association and the Rules, the Executive Committee shall have the control and management of the business and affairs of the society and shall have all advisory, executive and financial power to conduct the affairs of the society through its member secretary. All the duties, powers, functions and rights, whatsoever, consequential and incidental to the carrying on of the objectives of the society shall only be exercised or performed by the executive committee.

In particular and without prejudice to the generality of the foregoing provision, the Executive committee will

- (a) Subject to such directions as may be issued by Govt. of Bihar & the General Body of UMSAS from time to time.
- (b) Consider the annual budget and the annual action plan, its subsequent alterations placed before it by the member Secretary from time to time and pass it with such modifications as the Executive Committee may think fit.
- (c) Accept donation and endowment or give grants upon such terms and conditions as it may think fit.
- (d) Delegate its power, other than those of making rules, to the President.
- (e) Appoint committees, sub-committee, expert panels, task-force, working or study groups and Boards etc for such purpose and on such terms as it may deem fit, and to remove any of them.
- (f) Appoint auditors for auditing the accounts of the society with the approval of the General Body.
- (g) Ensure that the society considers any comments made by funding agencies on the progress in the implementation of the projects sponsored and funded by them.
- (h) Monitor progress of various projects and initiatives to ensure achievement of project objectives.
- (i) Monitor the financial position of the society in order to ensure smooth income flow and to review annual audited accounts.
- (j) Do generally all such acts and things as may be necessary or incidental to carrying out the objectives of the society or any of them. Provided that nothing herein contained shall authorize the Executive Committee to do any act or to pass any byelaws which may be repugnant to the provisions hereof, to the powers hereby conferred on the executive committee and other authorities, or which may be inconsistent with the objectives of the society.

9. Chairperson of the Executive Committee

- The Principal Secretary, Department of Industries shall be President of the Executive Committee of the Society.
- 10 Powers and Duties of the President of the Executive Committee**
- The President shall have power to**
- (a) Authorize acquisitions by gift, purchase, lease or otherwise, any property movable or immovable and to construct operate and maintain any building for purpose of the society as deemed appropriate by the Executive Committee.
 - (b) Authorize investment of the funds of the society in such securities and or to sell or transfer such investment in such a manner as the executive committee may consider necessary, for the safety and benefit to the society and to convert or change such investments, as required by the executive committee, subject to the laws applicable.
 - (c) Sanction and incur expenditure per instance as may be fixed by the general body for achieving the objectives of the society.
 - (d) Tender & award contracts and incur expenditure on civil works and consultancy to achieve the objectives of the society up to the limit as may be fixed by the general body.
 - (e) Act upon Powers as may be delegated to President by the society and the Executive Committee.

- 11. Member Secretary**
- (f) Carry out powers and functions of the Executive Committee whenever the exigency so demands and place the action taken before the next meeting of the Executive Committee for ratification.

The Director, Upendra Maharathi Shilp Anusandhan Sansthan shall be the Member Secretary of the Executive Committee. His appointment will be normally for a term of three years, or as decided by the State Government.

12. Functions and Power of the Director, UMSAS

- 12.1 The Director, Upendra Maharathi Shilp Anusandhan Sansthan shall be the Chief Executive of the society.
- 12.2 The Director shall be responsible for the management of day to day affairs of the society. He shall have overall responsibility for planning and executing the work of the society. He shall be responsible for the implementation of all the policies laid down by the General Body/ Executive Committee and shall attend to statutory requirements imposed on the functioning of the society.
- 12.3 The management and control of the day to day administration and control of finance within sanctioned budgets of the society shall be vested with the Director and through him with the respective functional heads. She/ He shall function as the controlling authority of all employees of the society.
- 12.4 The Director shall sign or cause to be signed all documents and proceedings requiring authentication by the society. The Director shall also represent or cause to be represented the society in business and legal transactions. She/ He shall receive on behalf of the society and disburse all funds of the society based on instruction from the Executive Committee. The director through functional heads will handle necessary documents including bank cheques and other negotiable instruments on behalf of the society, as authorized by the President/ Executive Committee of the society.

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- 12.5 The Director shall appoint bankers of the society with the approval of the Executive Committee. All funds of the society shall be paid into the society's account with the said bankers.
- 12.6 The Director, as Member Secretary, shall in consultation with the President, convene the meeting of the General Body/ Executive Committee at stipulated intervals or otherwise and shall maintain all minutes, records and registers of the State society.
- 12.7 The Director shall also perform such functions as may be delegated to him by the society, President and/ or Executive Committee from time to time.
- 12.8 The Director shall ensure handling of all correspondence on behalf of the society.
- 12.9 The Director as the Member Secretary shall cause implementation of all the resolutions passed in the General Body/ Executive committee of the society.
- 12.10 The Director shall also perform such functions as may be delegated to him/ her by the society, President and / or Executive committee from time to time and
- (a) shall cause to prepare for the society the annual reports and financial statements etc with due audit.
 - (b) shall cause to maintain the accounts, cause due verification of the monthly transactions and the monthly receipt and expenditure statement, which shall be put up to executive committee as required
 - (c) shall verify that physical and financial usage of the funds disbursed by the society to the various participating organizations and submit a quarterly report to the Executive Committee.
- 12.11 The Director will liaison with the State Government, the Government of India and other agencies for any matter pertaining to the operations of the society.
- 12.12 The Director shall have powers to take disciplinary actions over any staff of the society as per the deputation rules/ contract rules. With the approval of the president of the General Body.
- 12.13 The Director shall sanction and incur expenditure as decided by the governing body for day to day activities or as delegated by the Executive Committee.
- 12.14 The Director shall tender & award contracts and incur expenditure up to a ceiling as may be fixed by the general body and consultancies in line with the objectives of the society.
- 12.15 The Director shall perform any of the functions of the Executive Committee with the approval of the President, during the interval between meeting of the Executive Committee whenever it is urgent to do so and place a report in respect thereof, before the Executive Committee for its consideration/ratification.
- 12.16 The Director may also delegate any of his powers to the functional heads and staff for efficient functioning of the society.
- 12.17 The Director UMSAS will also perform of the duties and functions on the treasurer .

13. Functions of the Society

- (a) Take all such actions and to enter into all such actions as may appear necessary or incidental for the implementation of the project and in particular for the achievement of the vision and objectives referred to in article 4 and 5 of the Memorandum of Association.
- (b) Formulate guidelines for implementation of the various programs of the society.
- (c) Accept or provide any grant of money, loan, securities or property of any kind and to undertake and accept the management of any endowment trust fund or donation not inconsistent with the objectives of the society.

- (d) Purchase, hire, take on lease, exchange or otherwise acquire property, movable or immovable and construct alter and maintain any building or building as may be necessary for carrying out the objectives of the society.
- (e) Open a Bank Account, along with the signatories to the account.
- (f) Incur expenditure after drawing up a budget and with due regard for economy and propriety.
- (g) Make rules and regulation for the conduct of the affairs of the society and add or amend, vary or rescind them from time to time when required.
- (h) Establish its own organizational structure, offices and employ, retain or dismiss personnel as required, decide salary and benefit structure for the society.
- (i) Accept, make enclose or otherwise execute cheques, drafts receipts, bills of exchange or other instruments and securities as required for the conduct of the business of the society.
- (j) Enter into contracts without a requirement for government approval, other than by government representatives on the Executive Committee and undertake any legal action that may be necessary to ensure the fulfillment of contracts made between the society and others.

14. Funds of the society

The funds of the society shall consist of the following:

- Grants, loan, donation or assistance of any kind received from the Government of India/ Government of Bihar.
- Grants, loan, donation or assistance of any kind received from any government agency.
- Grant/ loan from external funding agencies, other sources through permitted channels.
- Grants, loan, donation or assistance of any kind received from any foreign government and other agencies with prior approval of Central/ State Government.
- Grants and donations from trade, industry, institutions and individuals.
- Receipts from disposal of assets.
- Receipts from user charges, concession/ consultancy fee etc.
- Interest earned from Deposits.
- Fee and penalties levied and realized.
- Income on management of Assets.
- Income on execution of projects for Govt Depts, Govt agencies, local Authorities of the State (s) or Central Government or any other projects entrusted or obtained through competitive Bidding process or Negotiation.

The society shall be allowed to charge a handling fee (establishment cost) as fixed by the Govt. time to time. For purpose of accounting, the handling fees shall be applied on an annual basis and amount due shall be subject to verification during the annual audit.

15. Audit

The Audit year of the Society shall begin on the first day of April and end on the 31st day of march next year.

The Society shall maintain proper accounts and other relevant records as well as documents comprising the receipt and payment accounts, statement of assets and liabilities and balance sheet.

The accounts of the Society shall be audited by a Chartered Account to be appointed by the Executive Committee of the Society. The nature of the audit to be applied and the detail arrangement to be made in regard to the account and their maintenance and the presentation of the account for audit shall be as per project guidelines. The Auditor shall also submit a report showing the exact state of financial affairs of the Society. The copies of the balance sheet and the auditor's report shall be certified by the auditor, and filed with the concerned Government Agencies.

The Accounts will be open to audit by the Accountant General.

16. Annual Report

The Member Secretary shall prepare an annual report of the proceeding of the Executive Committee and all work undertaken during the year. This report and the duly audited Annual accounts of the society shall be placed for approval before the Executive Committee.

The Annual report and Annual accounts as approved by the Executive Committee shall be placed before the Annual General Body meeting of the General Body before the 31st July of the year. A copy of the Annual report and Annual accounts as approved by the General Body may be forwarded to the Government within 30 days and shall be filed with the Registrar of societies of the Societies, Bihar, along with -

- (a) A list of names, address and occupation of the office bearers of the society, certified by the Director, UMSAS.
- (b) A copy of the balance sheet and the auditor's report certified by the auditor.

17. Properties of the Agencies

- 17.1 All properties of the society shall belong to the society itself. The society may acquire purchase or otherwise own, take on lease or hire movable or immovable properties and sell, mortgage, transfer or otherwise dispose of any such movable or immovable properties in furtherance of the objectives of society.
- 17.2 The income and the property of the society shall be utilized only towards the promotion of the objectives as set forth in the Memorandum of Association of the society. It will be subject to terms and conditions as the Executive Committee may impose in respect of expenditure to be incurred from grants sanctioned to the society from time to time.
- 17.3 No portion of the income or the property of the society shall be paid or transferred directly or indirectly by way of profits to persons, who may at any time be or have been members of the society.
- 17.4 No member of the society shall have any personal claim on any movable or immovable property of the society or make any profit whatsoever by virtue of his membership.
- 17.5 Provided that nothing herein contained shall prevent payments in good faith of remuneration allowance or honorarium in return for any service rendered by them to the society.

18. Suit and Proceedings

- 18.1 The society may sue or be sued in the name of the society though it's Member Secretary.
- 18.2 No suit or proceeding shall abate by reason of any vacancy or change in the holder of the office of the Chairperson, the Member Secretary or any office bearers authorized in this behalf.
- 18.3 Every decree or order against the society in any suit or proceeding shall be executable against the property of the society and not against the person or the property of the chairperson, the Member Secretary or any office bearer.
- 18.4 Members guilty of offences punishable as strangers
Any member of society who shall steal, purloin, or embezzle any money or other property, or willfully, and maliciously destroy or injure any property of such society, or shall forge and deed, bond, security for money, receipt, or other instrument, whereby the funds of the society may be exposed to loss, shall be subject to the same prosecution, and if convicted, shall be liable to be punished in like manner, as any person not a member would be subject and liable to in respect of the like offence.

19. Validation of Acts

No action taken by the society shall be rendered invalid or void only due to the reasons that:

- 19.1 There existed one or more vacancies in the General Body/ Executive Committee on the day on which the resolution was passed; or
- 19.2 There was a defect in the appointment of any of its members; or
- 19.3 The resolution in pursuance of which the said act was done has subsequently been modified or revoked by the General Body/ Executive Committee.

20. Alterations to the Memorandum of Association of the Society.

Society may alter the Memorandum of Association or extend or abridge the purpose for which established, as per the provisions of the Societies Registration Act, 1860 and on the following conditions -

- a. Executive Committee obtains the permission of the Government of Bihar for the proposal for such alteration or extension as aforesaid.
- b. Executive Committee furnished the proposal for such alteration or extension as aforesaid to the members of the society in a written or printed form.
- c. Executive Committee convenes a Special General Body meeting of the members of the society according to these Rules for the consideration of the said proposition;
- d. The report is delivered or sent by post to every member of the society delivered in person at such Special General Body Meeting as aforesaid;
- e. The proposal is agreed to by two-third of the vote of the members of the society present and voting at such Special General Body meeting as aforesaid; and
- f. A Copy of the resolution of the Special General Body meeting adopting the alterations is filed with the Registrar within the period prescribed under the law.

21. Modification of the Bye laws

After obtaining the permission of the Government of Bihar and subject to the provision to the Society Registration Act 1860, the Society may amend, add to, alter or delete any of the Bye laws by a resolution passed at the Special Meeting of the General Body duly convened the purpose. The modified bye laws shall be deemed to have come into force in accordance the provision of the said Act.

22. Contracts

1. All contract and other instrument for and on behalf of the society shall, subject to the provisions of the Act, be expressed to be made in the name of the society and shall be executed by the persons authorized by the Executive Committee.
2. No contract for the sale purchase or supply of any goods or materials shall be made for and on behalf of the society with any member of the society or the Executive Committee, or his/ her relative, or firms in which such member is a partner/ shareholder, or with any other partner or shareholder of a firm or a private company in which the member is a partner or Director.
3. All contracts shall be fielded, finalized and entered upon in accordance with the guidelines of the society and specific direction of Government of Bihar.

23. Common Seal

The Society shall have a common seal of such make and design as the Executive Committee may approve.

24. Power of the State Government

The Government of Bihar shall have the power to issue and direction as its deems fit to;

- (a) Alter, add or delete any item of Article of Association.
- (b) Terminate and / or make an appointment in place of any member of the society or any member of the Executive Committee.

The exercise of this power by the Government of Bihar hereunder shall be final.

25. Notice

Notice may be served upon any member of the society either personally or by post to the address of such member at the address mentioned in the register of members. Any notice so served by post shall be deemed to have been served on the day following that on which the letter, envelop or wrapper containing the same is posted and in providing such service, it shall be sufficient to prove that cover containing such notice was properly addressed and delivered to the post office.

26. Member defined

for the purposes of this Act a member of a society shall be a person who having been admitted therein according to the rules and regulations thereof, shall have paid a subscription membership fee of rupees 25 (Twenty five) per month and shall have signed the roll or list of members thereof, and shall not have resigned in accordance with such rules and regulations,

Disqualified members: But in all proceedings under this Act no person shall be entitled to vote or be counted as a member whose subscription at the time shall have been in arrears for a period exceeding three months.

27. Records of the Society

The Society shall keep in its registered office proper books of accounts in which should be entered accurately;

- (a) All sum of money received and the source thereof all sums of money expended by the society and the object or purpose for which such sums are expended
- (b) The assets and liabilities of the society.

The records will be as follows:

- (a) Member register
- (b) Proceedings Register of the General Body
- (c) Proceedings Register of the Executive Committee
- (d) *

28. Dissolution of the Society

Subject to the provisions of the Act, the Society may be dissolved by a resolution passed at a Special Meeting of the General Body of the Society duly convened for the purpose and supported by at least two-third of the total members of the Society. The General Body shall prescribe procedure for such dissolution by such resolution. The General Body may on such resolution decide

to take action for liquidation of assets and liabilities of the Society shall or can be given over to organizations with similar aims and objectives as that of the Society, strictly in accordance with the provisions of Act, or surrendered to the Government. In either case, the decision of the Government shall be final.

29. Status of the Existing Employees :- The Employees presently posted in UMSAS will continue to remain state Government Employees & shall continue to be governed by the terms & conditions of the service as are applicable to them before Registration of UMSAS as Society under Societies Registration Act 1860 the terms & Conditions of service of any person appointed on Regular or Contract basis by UMSAS hereafter shall be as decided by General Body as per Clause 6.9 (7) of this Rules & Regulations of UMSAS.

Nothing contained in the By Laws and notwithstanding the provisions of the laws applicable, there would be no attempt to import-expressed or implied, anything repugnant or contrary to the intentions of this Society as expressed in the Memorandum of Association.

President

Secretary

For I.G. Registration, Bihar, Patna

अधीक्षक, सचिवालय मुद्रणालय,

बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।

बिहार गजट (असाधारण) 750-571+10-डी०टी०पी०।

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